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09/580,233	05/26/2000	Richard I. Adduci JR.	10022/15	8233

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EXAMINER
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PWU, JEFFREY C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/580,233

Applicant(s)

ADDUCI ET AL.

Examiner

Jeffrey Pwu

Art Unit

3628



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/15/04 amendment
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 3628

## **DETAILED ACTION**

### **Response to Amendment**

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 lacks written description in the estimating step on estimating the “at least one potential revenue value associated with the at least one wireless application ...” to generate estimated revenue. It is unclear what is a cost estimator or how is it been formulated to model the estimating step. It is also unclear how to associate a potential revenue to a wireless application in order to facilitate the cost estimation or to calculate a potential revenue.

Art Unit: 3628

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons et al. (U.S. Patent No. 5,189,608) (hereafter Lyons) in view of Ferguson et al. (U.S. Patent No. 6,064,984) (hereafter Ferguson), and further view of Nolting et al. (U.S. Patent No. 6,298,123) (hereafter Nolting).

Claims 1 and 17: Lyons discloses a system for developing a business model and a method for providing a financial analysis (Abstract, 1st.. line) for an enhanced service, the system and method comprising the features and steps of:

accepting user-specific input into a computer relating to an existing service and the enhanced service, wherein the user-specific input includes a service application selection for selecting at least one application supported by the enhanced service and a market data input interface entering existing data about the existing service (Col. 10, lines 31-41, col. 13, lines 16-24, col. 17, lines 1-7, col. 18, lines 32-44, and col. 37, lines 27-54). However, Lyons does not explicitly disclose that the service is a wireless communication service and that the user-specific input is relating to an existing wireless communication service. Nolting disclose such steps (Abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use these steps and features in the Lyon invention to develop

Art Unit: 3628

and analyze a business model of a wireless communication service. One would be motivated to use those steps in order to minimize the cost of the business by eliminating the need to develop multiple systems.

Lyons also discloses accessing a reference database (Col. 6, lines 23-34 and col. 7, lines 24-27) including general market data applicable to the enhanced service (the user enters in SALES, col. 13, lines 16-24), and a standard adoption curve ("available templates", Col. 14, lines 27-52, is a standard adoption, and also the selection of Table XIV, Col. 22, lines 60-68; this standard adoption curve is the industry average curve for that process or application) for adoption of the enhanced service, wherein the reference database further includes a first set of costs data values associated with a wireless infrastructure deployment cost and a second set of cost data values associated with the operations and maintenance cost for the enhanced (Col. 31, lines 2-68, and Table XII), wireless communication service, wherein the reference database further includes a revenue data value, associated with the existing service (Col. 32, lines 1-63, and Table XXIII).

However, Lyons does not explicitly disclose adjusting the standard adoption curve to obtain an adjusted adoption curve based on the accepted user-specific input. Examiner notes that adjusting the standard adoption curve to obtain an adjusted adoption curve based on the accepted user-specific input is generating a business curve based on the current data, which would be derived from the standard or default curve. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use this step and feature to represent the results of the accepted user-specific input of a wireless communication service. One would be motivated to obtain an adjusted adoption curve in the wireless communication

Art Unit: 3628

service, in order to facilitate the management decisions by using a graph that shows the business' current situation.

Neither nor Lyons nor Ferguson discloses estimating at least one potential revenue value associated with the at least one wireless application, wherein a revenue estimator uses the accepted user-specific input, the revenue data value, the general market data and the adjusted adoption curve to generate at least one revenue estimate, wherein a cost estimator uses the first set of cost data values, the second set of cost data values and the adjusted adoption curve to generate at least one cost estimate. Nolting disclose such steps (col.5, lines 23-col.7, line 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use these steps and features in the Lyons invention. One would been motivated to use those steps in order to determine the risk of the business based on its costs and revenues.

However, Lyons or Nolting do not explicitly disclose presenting a graphical depiction of a financial analysis based on an evaluation of the at least one potential revenue value, the adjusted adoption curve, the general market data, the first set of cost data values, the second set of cost data values and the revenue data value. Ferguson discloses such steps and features in a method and system with a display screen for providing management guidance (Col. 2, lines 24-27), consolidating large quantities of customer information or market data (Col. 2, lines 29-30, and col. 5, lines 4-13), and including the costs in the graph (Col. 11, lines 5-29). Therefore, it would have been obvious to one having ordinary skill in the financial art at the time the invention was made to utilize these steps and features in the Lyon and Nolting's invention. One would have been motivated to using these steps and features in a wireless communication

Art Unit: 3628

service in order to support the management decisions by using a graph that shows the business' current situation.

Claims 2 and 18: Lyons, Nolting, and Ferguson disclose a system for developing a business model and a method according to claims 1 and 17. However, the references do not explicitly disclose an adjusting step comprises adjusting the standard adoption curve based on a user input of a selected geographic region from a library of regions and a selected application from a library of applications of the enhanced wireless communications service. Official notice is taken that adjust the standard adoption curve based on a user input of a selected geographic region from a library of regions and a selected application from a library of applications of the enhanced wireless communications service are old and well known within the finance art, such as the cost of labor differs greatly between the South and New England. Therefore, it would have been obvious to use those steps and features in order to facilitate a more accurate regional management, by including user input of the selected geographic region.

Claims 3 and 19: Lyons, Nolting and Ferguson disclose the system for developing a business model and a method according to claims 1 and 17. However, the references do not explicitly disclose wherein the adjusting step comprises changing a slope from the standard adoption curve to a revised slope of an adjusted adoption curve based on the user input of a specific geographic region. Official notice is taken that use those steps and feature are old and well known within the finance art. Therefore, it would have been obvious to use those steps and features in order to facilitate a more accurate regional management, by including user input of the selected geographic region.

Art Unit: 3628

Claims 4 and 20: Lyons, Nolting and Ferguson disclose the system for developing a business model and a method according to claims 1 and 17. However, the references do not explicitly disclose wherein the adjusting step and feature comprise changing a saturation point from the standard adoption curve to a revised saturation point of one of the adjusted adoption curve and the adjusted adoption curve based on the user input of a specific application. Official notice is taken that use those step and feature are old and well known within the finance art. Therefore, it would have been obvious to use those step and feature in order to facilitate a more accurate regional management, by including the saturation point in the adjusted graph.

Claims 5 and 21: Lyons, Nolting and Ferguson disclose the system for developing a business model and a method according to claim 1 and 17. However, the references do not explicitly disclose wherein the adjusting step and feature comprise increasing a slope from the standard adoption curve to a revised slope of an adjusted adoption curve based on the user input of a more affluent region than average for deploying the enhanced wireless communications service. Official notice is taken that use those steps and feature are old and well known within the finance art. Therefore, it would have been obvious to use those steps and features in order to defining more accurate objectives by adapting the regional curve to the characteristics of specific geographic region.

Claims 6 and 22: Lyons, Nolting and Ferguson disclose the system for developing a business model and a method according to claims 1 and 17. However, the references do not explicitly disclose wherein that adjusting step and feature comprises decreasing a slope from the standard adoption curve to a revised slope of an adjusted adoption curve based on the user input of a less affluent region than average for deploying the enhanced wireless communications



Art Unit: 3628

service. Official notice is taken that use those steps and feature are old and well known within the finance art. Therefore, it would have been obvious to use those steps and features in order to defining more accurate objectives by adapting the regional curve to the characteristics of specific geographic region.

Claims 7 and 23: Lyons, Nolting and Ferguson disclose the system for developing a business model and a method according to claims 1 and 17. However, the references do not explicitly disclose wherein the adjusting step and feature comprises lowering a saturation point from the standard adoption curve to a revised saturation point on one of the standard adoption curve and the adjusted adoption curve based on the user input of a particular application. Official notice is taken that use those steps and features are old and well known within the finance art. Therefore, it would have been obvious to use those steps and features in order to facilitate a more accurate definition of the managerial goals, by changing the saturation point.

Claims 8 and 24: Lyons, Nolting and Ferguson disclose the system for developing a business model and a method according to claims 1 and 17. However, the references do not explicitly disclose the step and feature of assigning a first level security for a user with respect to the presenting step and the accepting step and assigning a second level of security higher than the first level of security with respect to the user being capable of modifying the contents of the reference database. Official notice is taken that use those steps and features are old and well known within the finance art. Therefore, it would have been obvious to use those steps and features in order to increase the system security.

Claims 9 and 25: Lyons, Nolting and Ferguson disclose the system for developing a business model and a method according to claims 1 and 17. Nolting also discloses revenue

Art Unit: 3628

estimator generates the estimated cost value as function of a geographic region based on the accepted user input and the adjusted adoption curve (Col. 2, line 56-col. 3, line 12, col. 3, lines 50-58, col. 8, line 64-col. 9, line 12, Col. 13, lines 30-43). Therefore, it would have been obvious to use that step and feature in order to obtain a better estimate of the revenues for each geographic region.

Claims 10 and 26: Lyons, Nolting and Ferguson disclose the system for developing a business model and a method according to claims 1 and 17. Nolting also discloses cost estimator generates the estimated cost value as function of a geographic region based on the accepted user input and the adjusted adoption curve (Col. 2, line 56-col. 3, line 12, col. 3, lines 50-58, col. 8, line 64-col. 9, line 12, col. 4, lines 1-6 and 31-38, col.12, line 55-col. 13, line 43). Therefore, it would have been obvious to use those step and feature in order to adjust the objectives to the geographic region characteristic.

Claims 11 and 27: Lyons, Nolting and Ferguson disclose the system for developing a business model and a method according to claims 1 and 17. However, the references do not explicitly disclose wherein the presenting step comprises providing a graphical depiction selected from the group consisting of a revenue by a market segment graph, a cash-flow projection graph, number of subscribers by application of the enhanced wireless service, and number of subscribers by market segment. Official notice is taken that use those steps and features are old and well known within the finance art. Therefore, it would have been obvious to use those steps and features in order to facilitate a better definition of the management objectives, by including a mix of goals.

Art Unit: 3628

Claims 12 and 13: Lyons, Nolting and Ferguson disclose the method according to claim 1. However, the references do not explicitly disclose wherein the financial analysis comprises a sensitivity analysis showing the sensitivity of net present value, of a business based on the enhanced wireless communications service, to a change in at least one variable factor, and wherein the at least one variable factor is selected from the group consisting of operating costs of the enhanced wireless service, investment costs of the enhanced wireless service, market uptake of the enhanced wireless service, usage rate of the enhanced wireless service, and price level for service offerings of the enhanced wireless service. Official notice is taken that use those steps are old and well known within the finance art. Therefore, it would have been obvious to use those steps in order to facilitate a better definition of the price of the service.

Claim 14: Lyons, Nolting and Ferguson disclose the method according to claim 1. However, the references do not explicitly disclose wherein the financial analysis comprises a bar chart of different variable factors potentially impacting net present value of a business based on the enhanced wireless communications service, the variable factors presented as horizontally extending bars along a vertical axis, a respective percentage change in the net present value for a corresponding incremental constant change in a variable factor indicated by the horizontal length of the bar from the vertical axis. Official notice is taken that use that step is old and well known within the finance art. Therefore, it would have been obvious to use that step in order to facilitate more quickly financial decisions.

Claims 15 and 16: Lyons, Nolting and Ferguson disclose the method according to claim 1. However, the references do not explicitly disclose wherein the financial analysis

Art Unit: 3628

comprises a graph of average revenue per user per a measured time interval, the graph including a group of plotted lines representing said average revenue per user within different market segments versus time, and wherein the market segments include an adult market segment, a youth market segment, a large business market segment, a medium business market segment, and small business market segment. Official notice is taken that use those steps are old and well known within the finance art. Therefore, it would have been obvious to use those steps in order to facilitate more quicky and accurate management decisions.

#### **Response to Arguments**

5. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

#### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will

Art Unit: 3628

be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is (703) 308-7835. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hyung Sough, can be reached on (703) 308-0505. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



JEFFREY PWU  
PRIMARY EXAMINER